

Decision 02-05-041 May 16, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Alameda Corridor - East Construction Authority (ACE) for an order authorizing elimination of an existing at-grade crossing through construction of a grade separated crossing (roadway underpass) at East End Avenue, under Union Pacific Railroad Company's adjacent Los Angeles Subdivision and Alhambra Subdivision main lines, in the City of Pomona, County of Los Angeles.

Application 01-10-016
(Filed October 18, 2001)

O P I N I O N

Summary

Alameda Corridor - East Construction Authority (ACE) requests authority to construct East End Avenue at separated grades under the tracks of Union Pacific Railroad Company's (UP) adjacent Los Angeles Subdivision and Alhambra Subdivision main lines and to close, abandon, and eliminate existing at-grade crossings, in the City of Pomona, Los Angeles County.

Discussion

The exact legal name of the Applicant is Alameda Corridor - East Construction Authority of the San Gabriel Valley Council of Governments. The East End Avenue underpass project is one of many ACE projects that will reduce or eliminate train traffic - motor vehicle traffic conflicts in the San Gabriel Valley area of Los Angeles County.

ACE projects are related to the original Alameda Corridor project, now nearing completion. The Alameda Corridor will connect the Ports of Long Beach and Los Angeles to the transcontinental rail network, and consists of grade separations, a railroad "trench" and a railroad - railroad "flyover," allowing safer, faster and more efficient rail shipment of internationally traded goods from the Ports to the transcontinental rail yards east of downtown Los Angeles. From those yards, most of these goods are then shipped east over UP's Alhambra Subdivision Main Line (CPUC prefix "B") and Los Angeles Subdivision Main Line (CPUC line prefix "3") tracks. The San Gabriel Valley portions of these two UP main lines comprise ACE's project area.

Without the improvements to be constructed by ACE, it is estimated that motor vehicle delays will increase by 300 percent or an average vehicle wait at each crossing of 10-24 minutes. ACE has projects at 55 grade crossings within the San Gabriel Valley. The ACE program will ultimately construct 21 grade separations, including the East End Avenue Underpass. Grade separations like the East End Underpass completely eliminate the hazard of train-vehicle collisions and motor traffic delays due to train movements (Rule 38c). The legal description of the new crossing is attached to the application as Exhibit A (Rule 38a).

ACE proposes to construct East End Avenue underpass at separated grades to eliminate the existing at-grade crossings of East End Avenue over the dual adjacent UP Alhambra and Los Angeles Subdivision main lines. The railroad tracks will cross East End Avenue on bridges, and East End Avenue will be depressed below the railroad tracks and First Street, which parallels the railroad on the south.

ACE is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, as stated in Public Resources (PR) Code Section 21000 et seq. The application states that this project is statutorily exempt from CEQA under PR Code Section 21080.13. That section exempts from CEQA “Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.” This project will eliminate two existing grade crossings.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency’s exemption determination. The site of the proposed East End Avenue underpass grade separation has been inspected by the Commission’s Rail Safety and Carriers Division – Rail Crossings Engineering Section staff. After reviewing the need for and the safety of the proposed East End Avenue underpass, staff recommends that ACE’s request be granted.

We believe ACE reasonably concluded that the proposed grade-separation project qualifies for CEQA exemption under PR Code Section 21080.13. Accordingly, we adopt the finding of exemption for purposes of our project approval.

Staff recommends that because the new crossing shall be grade separated, no additional protection at the crossing is necessary.

The application was found to be in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of public highway crossings and separations under a railroad. A site map and detailed drawings of the proposed East End Avenue underpass grade-separation structure are shown in the application and in Appendix A attached to the order.

In Resolution ALJ 176-3074, dated October 25, 2001 and published in the Commission Daily Calendar on October 26, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed and no hearings were held, this preliminary determination remains accurate. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3074.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on October 23, 2001. There are no unresolved matters or protests; a public hearing is not necessary.

2. ACE requests authority to construct East End Avenue at separated grades under the tracks of UP's adjacent Los Angeles Subdivision and Alhambra Subdivision main lines and to close, abandon, and eliminate an existing at-grade crossing, in the City of Pomona, Los Angeles County.

3. Construction of the proposed project is an essential element in the construction of the Alameda Corridor - East Project. The project is required in order to connect the Ports of Long Beach and Los Angeles to the transcontinental rail network, allowing safer, faster and more efficient rail shipment of internationally traded goods from the Ports to the transcontinental rail yards east of downtown Los Angeles. The benefits of the project include the complete

elimination of the hazard of train-vehicle collisions and motor traffic delays due to train movements (Rule 38c of Rules of Practice and Procedure).

4. Public convenience, safety and necessity require the construction of the grade-separated crossing.

5. ACE is the lead agency for this project under CEQA, as amended.

6. A Notice of Exemption was adopted for the project finding that it is statutorily exempt from CEQA review under Section 21080.13 of the PR Code, which exempts from the CEQA, "Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation."

7. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's exemption determination.

Conclusions of Law

1. We believe ACE reasonably concluded PR Code Section 21080.13 applies to exempt this project from CEQA, and we adopt ACE's determination of exemption for purposes of our approval.

2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Alameda Corridor - East Construction Authority (ACE) is authorized to construct East End Avenue at separated grades under the tracks of Union Pacific Railroad Company's (UP) adjacent Los Angeles Subdivision and Alhambra Subdivision main lines in Pomona, Los Angeles County, at the location and substantially as shown by plans attached to the Application and Appendix A of this order, identified as Crossings 3-33.50-B and B-515.90-B, respectively.

2. During the period of construction, ACE is authorized to close and abandon the existing East End Avenue at-grade crossings. Upon completion of East End Avenue underpass grade separation and its opening to vehicular traffic, the existing at-grade crossings of East End Avenue, Crossings 3-33.50 and B-515.90, shall be closed and physically removed.

3. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.

4. Due to the fact that the proposed crossing will be grade-separated, protection at the crossing location is not needed.

5. Construction and maintenance costs shall be borne in accordance with an agreement, which has been entered into between ACE, UP, and the City of Pomona. A copy of the agreement shall be filed with the Commission prior to starting construction.

6. Within 30 days after completion of the work under this order, ACE shall notify the Commission in writing that the authorized work was completed.

7. This authorization shall expire if not exercised within five years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

8. The application is granted as set forth above.

9. Application 01-10-016 is closed.

This order becomes effective 30 days from today.

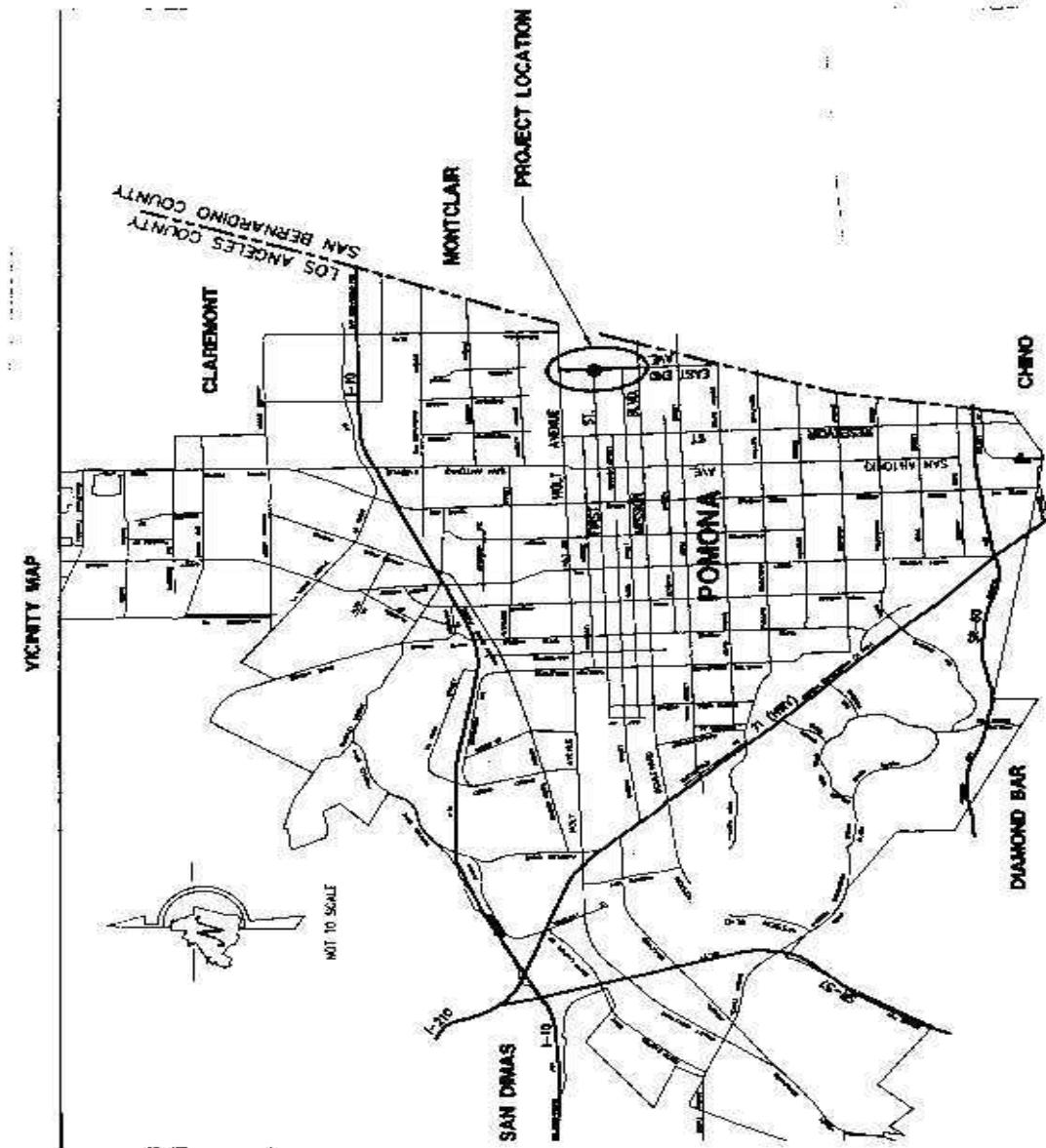
Dated May 16, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL. W. WOOD

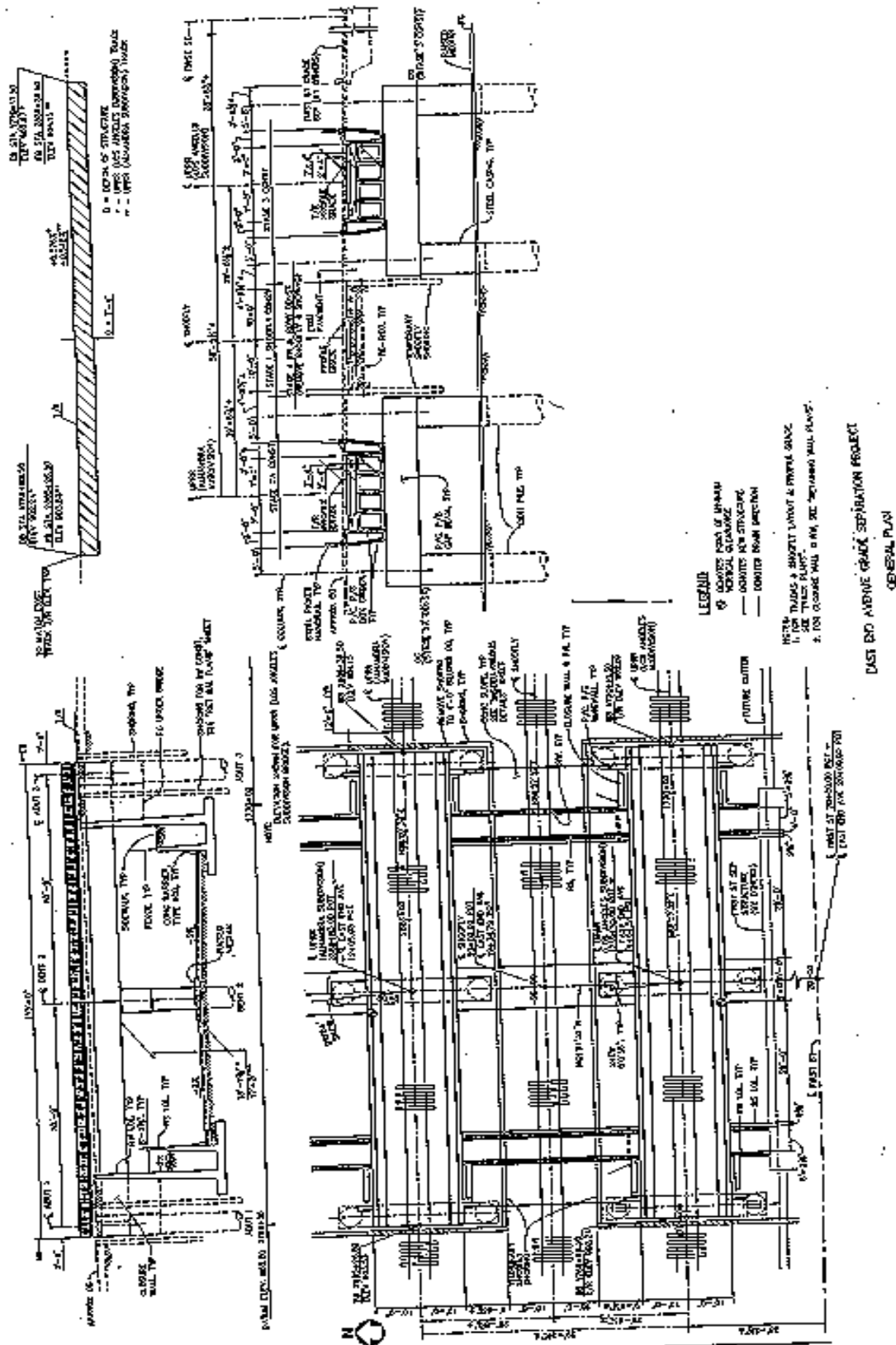
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GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners

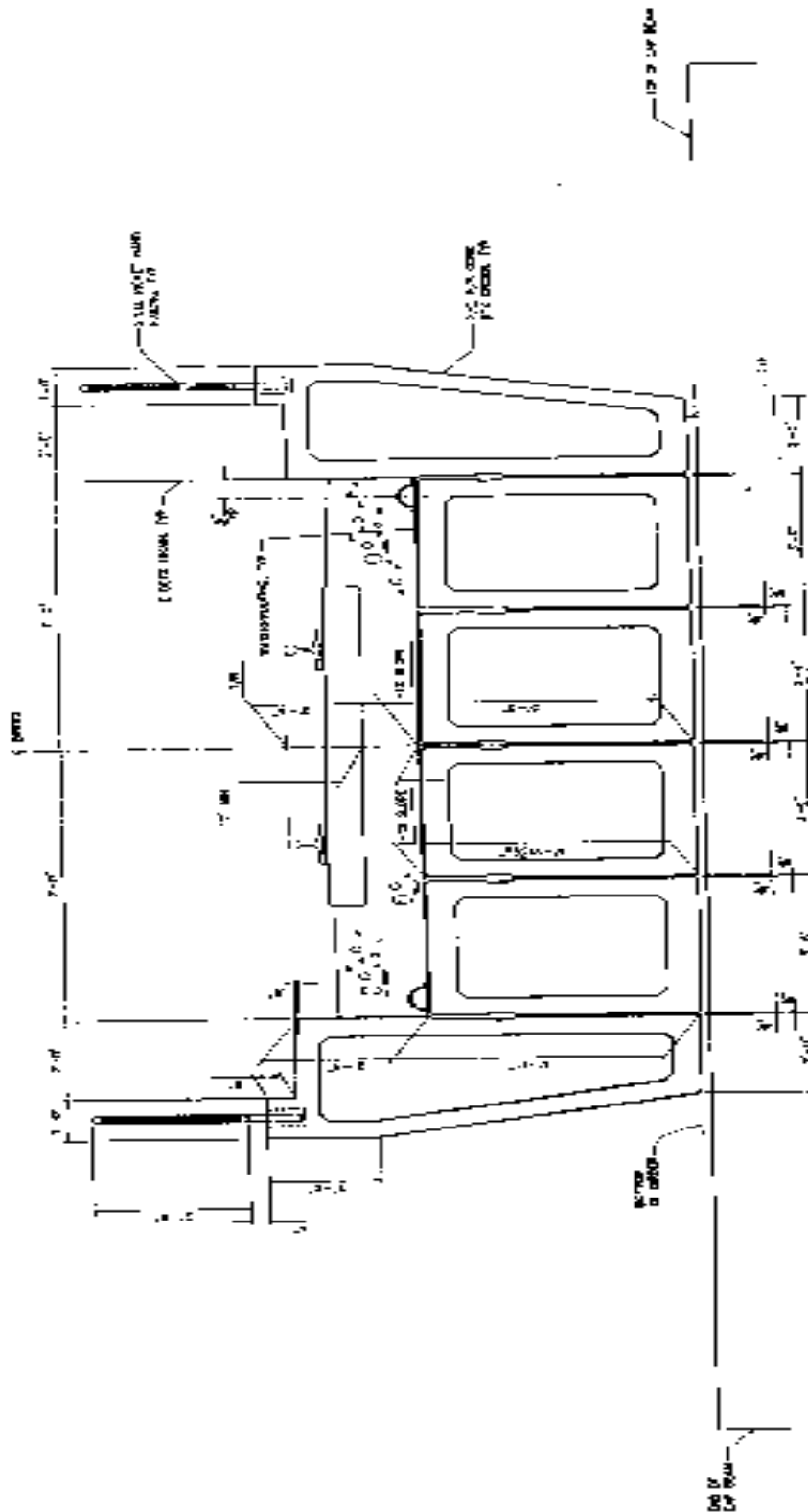
APPENDIX A PLANS



PLANS



PLANS



TYPICAL SECTION

BARrier END AVERAGE GRADE SEPARATION PROJECT
TYPICAL SECTION